

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

(1)	METROPOLITAN LIFE	)	
	INSURANCE COMPANY,	)	
		)	
	Plaintiff,	)	
v.		)	No. CIV-11-1505-HE
		)	
(1)	JOHN ZONDOR,	)	
(2)	THE ESTATE OF CRYSTAL	)	
	RACHELL ZONDOR,	)	
(3)	MCMAHANS FUNERAL HOME,	)	
(4)	JOYCE GIBSON,	)	
(5)	APRIL MURRAY, and	)	
(6)	EDDIE GIBSON	)	
		)	
	Defendants.	)	

**MOTION FOR DEFAULT JUDGMENT AND ORDER AUTHORIZING  
DISBURSEMENT OF INTERPLEADER FUNDS**

Defendants, Joyce Gibson, April Murray and Eddie Gibson, pursuant to FRCP 55, hereby request the Court to enter Default Judgment against John Zondor and McMahan's Funeral Home, and to issue an Order authorizing and directing the Court Clerk to disburse the life insurance benefits totaling the sum of \$111,000.00 in equal shares to Joyce Gibson, April Murray and Eddie Gibson. Defendants state as follows:

1. Metropolitan Life Insurance Company filed its Complaint (Document #1) on December 28, 2011 wherein it sought to interplead life insurance benefits totaling the sum of \$111,000.00. The benefits were from a policy which insured the life of Crystal Rachell Zondor. Zondor was married to John Zondor and was murdered in May of last year. Interpleader of the life insurance benefits was sought since John Zondor, the listed

beneficiary, has not been cleared in the murder investigation.

2. Summons (Document #2) were thereafter issued electronically to all defendants, with the exception of The Estate of Crystal Rachell Zondor since there is no such estate.

3. Defendant McMahan's Funeral Service was duly served on 1/3/12 as evidenced by the Summons Returned Executed (Document #4) filed on 1/16/12.

4. Defendant John Zondor was duly served on 2/6/12 as evidenced by the Summons Returned Executed (Document #7) filed on 2/17/12.

5. Neither McMahan's Funeral Service nor John Zondor filed an Answer nor entered an appearance within sixty (60) days thus resulting in the clerk entering a Certificate that both were in default. (Document # 15).

6. The Court thereafter entered an Order (Document #19) allowing the interpleader of the life insurance benefits totaling the sum of \$111,000.00. A Status Conference was also conducted wherein counsel for defendants Joyce Gibson, April Murray and Eddie Gibson, was directed to file a Motion for Default Judgment.

7. Defendants Joyce Gibson, April Murray and Eddie Gibson are the surviving heirs of Crystal Rachell Zondor and, pursuant to the Court's directive, seek an equal division of the life insurance benefits which have been interpleaded.

WHEREFORE, Defendants, Joyce Gibson, April Murray and Eddie Gibson, request that the Court enter default judgment against McMahan's Funeral Home and John Zondor; that it enter an Order authorizing and directing the Court Clerk to disburse the life insurance benefits totaling the sum of \$111,000.00 in equal shares to Joyce Gibson, April Murray and Eddie Gibson; and that it further enter an order exonerating each of them of and from any and all liability to John Zondor.

**LAW OFFICES OF MARK S. COOPER, P.C.**

\_\_\_\_\_/s/ Mark S. Cooper  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of May, 2012, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Lisa Traylor Silvestri  
Erin K. Dailey  
1100 ONEOK Plaza  
100 West 5<sup>th</sup> Street  
Tulsa, OK 74103-4217

I further certify that a true and correct copy of the foregoing instrument was mailed via certified, with return receipt requested on this 22<sup>nd</sup> day of May, 2012 to following non-ECF restrigants:

J. Hugh Herndon  
J. HUGH HERNDON & ASSOCIATES  
2101 South Air Depot Boulevard  
Midwest City, OK 73110

\_\_\_\_\_/s/ Mark S. Cooper\_\_\_\_\_  
MARK S. COOPER